

No. 22-1286

IN THE
United States Court of Appeals
for the Federal Circuit

TERADATA CORP., TERADATA US, INC., and TERADATA OPERATIONS, INC.,
Plaintiffs-Appellants,

v.

SAP SE, SAP AMERICA, INC., and SAP LABS, LLC,
Defendants-Appellees.

On Appeal from the
United States District Court for the Northern District of California
Honorable William H. Orrick
No. 18-cv-03670-WHO

**UNOPPOSED MOTION OF THE UNITED STATES OF AMERICA FOR
LEAVE TO PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE IN
SUPPORT OF NEITHER PARTY AND FOR FIVE MINUTES OF
ARGUMENT TIME**

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Pursuant to Federal Rule of Appellate Procedure 29(a)(8), the United States respectfully moves for leave to participate as amicus curiae in the June 8, 2023, oral argument of this case. The United States requests an allotment of five (5) minutes of time independent of the time allocated to the parties.

The United States seeks to participate at oral argument because it enforces the federal antitrust laws and has a strong interest in their correct interpretation. The United States and the Federal Trade Commission filed an amicus brief in support of neither party in this case, addressing apparent legal errors in the district court's framework for defining relevant markets in antitrust cases. The United States and the Federal Trade Commission took no position on the merits of plaintiffs/appellants' antitrust claim.

The United States believes that its participation at oral argument would be helpful to the Court, especially in explaining how the District Court's rigid and improper approach to market definition, if uncorrected, could harm antitrust enforcement beyond the specific context of this case. Because its amicus brief does not support either side, the United States

requests five minutes of argument time independent of the time allocated to the parties.

Plaintiffs/appellants Teradata Corp., Teradata US, Inc., and Teradata Operations, Inc. do not oppose the United States' request as long as any time for the United States to argue does not reduce the 15 minutes allotted to them.

Defendants/appellees SAP SE, SAP America, Inc., and SAP Labs, LLC (SAP) do not oppose the United States' motion as long as they receive an additional five (5) minutes of time to respond to the United States. The United States takes no position on SAP's request for an additional five minutes of time.

Respectfully submitted.

/s/ Patrick M. Kuhlmann

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May 17, 2023

CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limit of Fed. R. App. P. 27, because, excluding the parts exempted by Fed. R. App. P. 32, the motion contains 287 words.

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because the brief has been prepared in Microsoft Word 2019, using 14-point Century Schoolbook font, a proportionally spaced typeface.

/s/ Patrick M. Kuhlmann
Patrick M. Kuhlmann
Counsel for the United States

CERTIFICATE OF SERVICE

I certify that on May 17, 2023, I caused the foregoing to be filed through this Court's CM/ECF system, which will serve a notice of electronic filing on all registered users.

/s/ Patrick M. Kuhlmann
Patrick M. Kuhlmann
Counsel for the United States